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7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 MONICA CONTRERAS, individually, and in
her capacity as natural mother and guardian of,
10 and on behalf of, ANDREA PATERNA, a
minor,

11 Plaintiff,

12 vs.

13 RONALD D. FOX; JAMES KENYON;
GREGORY BRYANT; PARTICA
14 DONINGER; CLARK COUNTY, NEVADA;
DOES 1-10; and ROE entities 11-20 inclusive,

15 Defendants.
16

Case No. 2:13-cv-00591-JCM-PAL

**DEFENDANT JOHN KENYON'S
ANSWER TO FIRST AMENDED
COMPLAINT**

17 Defendant JAMES KENYON, (Defendant), by and through his counsel, Kaempfer
18 Crowell, and for his Answer to Plaintiff's Amended Complaint, admits, denies and alleges as
19 follows:

20 1. Answering Paragraph 1 of the Plaintiff's Amended Complaint, Defendant alleges
21 that the allegations contained therein call for non-factual, legal conclusions and Defendant is
22 therefore not required to answer the same.
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1 2. Answering Paragraph 2 of the Plaintiff's Amended Complaint, Defendant is
2 without knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained in said paragraphs and therefore denies the same.

4 3. Answering Paragraph 3 of the Plaintiff's Amended Complaint, Defendant alleges
5 that the allegations contained therein call for non-factual, legal conclusions and Defendant is
6 therefore not required to answer the same.

7 4. Answering Paragraph 4 Plaintiff's Amended Complaint, Defendant admits the
8 allegations contained therein.

9 5. Answering Paragraph 5 Plaintiff's Amended Complaint, Defendant admits the
10 allegations contained therein.

11 5A. Answering Paragraph 5A Plaintiff's Amended Complaint, Defendant admits the
12 allegations contained therein.

13 6. Answering Paragraph 6 Plaintiff's Amended Complaint, Defendant admits the
14 allegations contained therein.

15 7. Answering Paragraph 7 of the Plaintiff's Amended Complaint, Defendant alleges
16 that the allegations contained therein call for non-factual, legal conclusions and Defendant is
17 therefore not required to answer the same.

18 8. Answering Paragraph 8 of the Plaintiff's Amended Complaint, Defendant is
19 without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in said paragraphs and therefore denies the same.

21 9. Answering Paragraph 9 of Plaintiff's Amended Complaint, Defendant admits the
22 allegations contained therein.

23 10. Answering Paragraph 10 Plaintiff's Amended Complaint, Defendant admits the
24 allegations contained therein.

1 11. Answering Paragraph 11 of the Plaintiff's Amended Complaint, Defendant is
2 without knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained in said paragraphs and therefore denies the same.

4 12. Answering Paragraph 12 of the Plaintiff's Amended Complaint, Defendant is
5 without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained in said paragraphs and therefore denies the same.

7 13. Answering Paragraph 13 of the Plaintiff's Amended Complaint, Defendant is
8 without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in said paragraphs and therefore denies the same.

10 14. Answering Paragraph 14 of the Plaintiff's Amended Complaint, Defendant is
11 without knowledge or information sufficient to form a belief as to the truth of the allegations
12 contained in said paragraphs and therefore denies the same.

13 15. Answering Paragraph 15 of the Plaintiff's Amended Complaint, Defendant is
14 without knowledge or information sufficient to form a belief as to the truth of the allegations
15 contained in said paragraphs and therefore denies the same.

16 16. Answering Paragraph 16 of the Plaintiff's Amended Complaint, Defendant is
17 without knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained in said paragraphs and therefore denies the same.

19 17. Answering Paragraph 17 Plaintiff's Amended Complaint, Defendant admits the
20 allegations contained therein.

21 18. Answering Paragraph 18 Plaintiff's Amended Complaint, Defendant denies the
22 allegations contained therein.

23 19. Answering Paragraphs 19A-C Plaintiff's Amended Complaint, Defendant
24 affirmatively alleges that he issued Plaintiff one (1) citation for Resisting Arrest and placed her

1 into handcuffs. With respect to all other allegations in Paragraphs 19 A-C, Defendant denies the
2 allegations contained therein.

3 20. Answering Paragraph 20 of the Plaintiff's Amended Complaint, Defendant is
4 without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in said paragraphs and therefore denies the same.

6 21. Answering Paragraph 21 Plaintiff's Amended Complaint, Defendant denies the
7 allegations contained therein.

8 22. Answering Paragraph 22 of the Plaintiff's Amended Complaint, Defendant is
9 without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained in said paragraphs and therefore denies the same.

11 23. Answering Paragraph 23 of the Plaintiff's Amended Complaint, Defendant is
12 without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in said paragraphs and therefore denies the same.

14 24. Answering Paragraph 24 of the Plaintiff's Amended Complaint, Defendant is
15 without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained in said paragraphs and therefore denies the same.

17 25. Answering Paragraph 25 Plaintiff's Amended Complaint, Defendant denies the
18 allegations contained therein.

19 25A. Answering Paragraph 25A Plaintiff's Amended Complaint, Defendant admits the
20 allegations contained therein.

21 25B. Answering Paragraph 25B Plaintiff's Amended Complaint, Defendant
22 affirmatively alleges that the Internal Affairs Report speaks for itself.

23 25C. Answering Paragraph 25C Plaintiff's Amended Complaint, Defendant
24 affirmatively alleges that the Internal Affairs Report speaks for itself.

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1 25D. Answering Paragraph 25D Plaintiff's Amended Complaint, Defendant
2 affirmatively alleges that the Internal Affairs Report speaks for itself.

3 26. Answering Paragraph 26 of the Plaintiff's Amended Complaint, Defendant
4 alleges that the allegations contained therein call for non-factual, legal conclusions and
5 Defendant is therefore not required to answer the same.

6 27. Answering Paragraph 27 of the Plaintiff's Amended Complaint, Defendant
7 alleges that the allegations contained therein call for non-factual, legal conclusions and
8 Defendant is therefore not required to answer the same.

9 28. Answering Paragraph 28 of the Plaintiff's Amended Complaint, Defendant
10 alleges that the allegations contained therein call for non-factual, legal conclusions and
11 Defendant is therefore not required to answer the same.

12 29. Answering Paragraph 29 of the Plaintiff's Amended Complaint, Defendant
13 alleges that the allegations contained therein call for non-factual, legal conclusions and
14 Defendant is therefore not required to answer the same.

15 30. Answering Paragraph 30 of the Plaintiff's Amended Complaint, Defendant is
16 without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained in said paragraphs and therefore denies the same.

18 31. Answering Paragraph 31 of the Plaintiff's Amended Complaint, Defendant
19 alleges that the allegations contained therein call for non-factual, legal conclusions and
20 Defendant is therefore not required to answer the same.

21 32. Answering Paragraph 32 Plaintiff's Amended Complaint, Defendant denies the
22 allegations contained therein.

23 32A. Answering Paragraph 32A Plaintiff's Amended Complaint, Defendant denies the
24 allegations contained therein.

FIRST CLAIM FOR RELIEF

(Against Defendants FOX, KENYON, BRYANT and DONINGER, pursuant to 42 USC 1983 for violation of 4th Amended rights.

33. Answering Paragraph 33 of Plaintiffs' Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

34. Answering Paragraph 34 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

34A. Answering Paragraph 34A of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

35. Answering Paragraph 35 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

36. Answering Paragraph 36 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

37. Answering Paragraph 37 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

38. Answering Paragraph 38 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

39. Answering Paragraph 39 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

40. Answering Paragraph 40 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

SECOND CLAIM FOR RELIEF

(Against FOX, KENYON, BRYANT and DONINGER pursuant to 42 USC 1983 for violation of 14th Amendment rights)

41. Answering Paragraph 41 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

42. Answering Paragraph 42 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

42A. Answering Paragraph 42A of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

43. Answering Paragraphs 43 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

43A. Answering Paragraphs 43A of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

44. Answering Paragraphs 44 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

45. Answering Paragraphs 45 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

46. Answering Paragraphs 46 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

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THIRD CLAIM FOR RELIEF

(Against Defendant DONINGER, supervisory liability pursuant to 42 USC 1983 for violation of 4th and 14th Amendment rights)

47. Answering Paragraph 47 of Plaintiff's Amended Complaint, Defendant repeats and realleges their answers to the foregoing paragraphs as if fully set forth herein.

48. Answering Paragraph 48 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

49. Answering Paragraph 49 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

50. Answering Paragraph 50 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

51. Answering Paragraph 51 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

52. Answering Paragraph 52 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

FOURTH CLAIM FOR RELIEF

(Against Defendant CLARK COUNTY, municipal liability pursuant to 42 USC 1983)

53. Answering Paragraph 53 of Plaintiff's Amended Complaint, Defendant repeats and realleges their answers to the foregoing paragraphs as if fully set forth herein.

54. Answering Paragraph 54 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

55. Answering Paragraph 55 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

56. Answering Paragraph 56 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

57. Answering Paragraph 57 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

57A. Answering Paragraph 57A of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

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1 57B. Answering Paragraph 57B of Plaintiff's Amended Complaint, Defendant alleges
2 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
3 without knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained in said paragraphs and therefore denies the same.

5 58. Answering Paragraph 58 of Plaintiff's Amended Complaint, Defendant alleges
6 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
7 without knowledge or information sufficient to form a belief as to the truth of the allegations
8 contained in said paragraphs and therefore denies the same.

9 59. Answering Paragraph 59 of Plaintiff's Amended Complaint, Defendant alleges
10 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
11 without knowledge or information sufficient to form a belief as to the truth of the allegations
12 contained in said paragraphs and therefore denies the same.

13 **FIFTH CLAIM FOR RELIEF**

14 **(Battery against Defendant FOX)**

15 60. Answering Paragraph 60 of Plaintiff's Amended Complaint, Defendant repeats
16 and realleges his answers to the foregoing paragraphs as if fully set forth herein.

17 61. Answering Paragraph 61 of Plaintiff's Amended Complaint, Defendant alleges
18 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
19 without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in said paragraphs and therefore denies the same.

21 62. Answering Paragraph 62 of Plaintiff's Amended Complaint, Defendant alleges
22 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
23 without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in said paragraphs and therefore denies the same.

63. Answering Paragraph 63 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

SIXTH CLAIM FOR RELIEF

(False Imprisonment against Defendants FOX, KENYON and BRYANT)

64. Answering Paragraph 64 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

65. Answering Paragraph 65 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

66. Answering Paragraph 66 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

66A. Answering Paragraph 66A of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

67. Answering Paragraphs 67 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

68. Answering Paragraphs 68 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

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SEVENTH CLAIM FOR RELIEF

(Defamation against Defendants FOX and KENYON)

69. Answering Paragraph 69 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

70. Answering Paragraph 70 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

71. Answering Paragraph 71 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

72. Answering Paragraph 72 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

73. Answering Paragraphs 73 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

74. Answering Paragraphs 74 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

EIGHTH CLAIM FOR RELIEF

(False Light against Defendants FOX and KENYON)

75. Answering Paragraph 75 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

76. Answering Paragraph 76 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

1 77. Answering Paragraph 77 of the Plaintiff's Amended Complaint, Defendant
2 alleges that the allegations contained therein call for non-factual, legal conclusions and
3 Defendant is therefore not required to answer the same.

4 78. Answering Paragraphs 78 of Plaintiff's Amended Complaint, Defendant denies
5 the allegations contained therein.

6 79. Answering Paragraphs 79 of Plaintiff's Amended Complaint, Defendant denies
7 the allegations contained therein.

8 **NINTH CLAIM FOR RELIEF**

9 **(Infliction of Emotion Distress against Defendants FOX and KENYON)**

10 80. Answering Paragraph 80 of Plaintiff's Amended Complaint, Defendant repeats
11 and realleges his answers to the foregoing paragraphs as if fully set forth herein.

12 81. Answering Paragraph 81 of the Plaintiff's Amended Complaint, Defendant
13 alleges that the allegations contained therein call for non-factual, legal conclusions and
14 Defendant is therefore not required to answer the same.

15 82. Answering Paragraph 82 of the Plaintiff's Amended Complaint, Defendant
16 alleges that the allegations contained therein call for non-factual, legal conclusions and
17 Defendant is therefore not required to answer the same.

18 83. Answering Paragraphs 83 of Plaintiff's Amended Complaint, Defendant denies
19 the allegations contained therein.

20 84. Answering Paragraphs 84 of Plaintiff's Amended Complaint, Defendant denies
21 the allegations contained therein.

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TENTH CLAIM FOR RELIEF

(Negligent Supervision against Defendant DONINGER)

85. Answering Paragraph 85 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

86. Answering Paragraph 86 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

87. Answering Paragraph 87 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

88. Answering Paragraph 88 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

89. Answering Paragraph 89 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

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ELEVENTH CLAIM FOR RELIEF

(Negligence against Defendant FOX)

90. Answering Paragraph 90 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

91. Answering Paragraph 91 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

92. Answering Paragraph 92 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

TWELFTH CLAIM FOR RELIEF

(Negligent Training/Supervision/Retention against Defendants CLARK COUNTY)

93. Answering Paragraph 93 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

93A. Answering Paragraph 93A of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

93B. Answering Paragraph 93B of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

1 93C. Answering Paragraph 93C of Plaintiff's Amended Complaint, Defendant alleges
2 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
3 without knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained in said paragraphs and therefore denies the same.

5 94. Answering Paragraph 94 of Plaintiff's Amended Complaint, Defendant alleges
6 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
7 without knowledge or information sufficient to form a belief as to the truth of the allegations
8 contained in said paragraphs and therefore denies the same.

9 95. Answering Paragraph 95 of Plaintiff's Amended Complaint, Defendant alleges
10 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
11 without knowledge or information sufficient to form a belief as to the truth of the allegations
12 contained in said paragraphs and therefore denies the same.

13 96. Answering Paragraph 96 of Plaintiff's Amended Complaint, Defendant alleges
14 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
15 without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained in said paragraphs and therefore denies the same.

17 97. Answering Paragraph 97 of Plaintiff's Amended Complaint, Defendant alleges
18 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
19 without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained in said paragraphs and therefore denies the same.

21 98. Answering Paragraph 98 of Plaintiff's Amended Complaint, Defendant alleges
22 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
23 without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained in said paragraphs and therefore denies the same.

1 99. Answering Paragraph 99 of Plaintiff's Amended Complaint, Defendant alleges
2 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
3 without knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained in said paragraphs and therefore denies the same.

5 100. Answering Paragraph 100 of Plaintiff's Amended Complaint, Defendant alleges
6 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
7 without knowledge or information sufficient to form a belief as to the truth of the allegations
8 contained in said paragraphs and therefore denies the same.

9 101. Answering Paragraph 101 of Plaintiff's Amended Complaint, Defendant alleges
10 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
11 without knowledge or information sufficient to form a belief as to the truth of the allegations
12 contained in said paragraphs and therefore denies the same.

13 **THIRTEENTH CLAIM FOR RELIEF**

14 **(Respondeat superior liability against Defendants CLARK COUNTY)**

15 102. Answering Paragraph 102 of Plaintiff's Amended Complaint, Defendant repeats
16 and realleges his answers to the foregoing paragraphs as if fully set forth herein.

17 103. Answering Paragraph 103 of the Plaintiff's Amended Complaint, Defendant
18 alleges that the allegations contained therein call for non-factual, legal conclusions and
19 Defendant is therefore not required to answer the same.

20 104. Answering Paragraph 104 of the Plaintiff's Amended Complaint, Defendant
21 alleges that the allegations contained therein call for non-factual, legal conclusions and
22 Defendant is therefore not required to answer the same.

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FOURTEENTH CLAIM FOR RELIEF

(Negligent Supervision against Defendant BRYANT)

105. Answering Paragraph 105 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

106. Answering Paragraph 106 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

107. Answering Paragraph 107 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

108. Answering Paragraph 108 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

109. Answering Paragraph 109 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

FIFTEENTH CLAIM FOR RELIEF

(Malicious prosecution against Defendants FOX and KENYON)

110. Answering Paragraph 110 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

1 111. Answering Paragraph 111 of the Plaintiff's Amended Complaint, Defendant
2 alleges that the allegations contained therein call for non-factual, legal conclusions and
3 Defendant is therefore not required to answer the same.

4 112. Answering Paragraph 112 of the Plaintiff's Amended Complaint, Defendant
5 alleges that the allegations contained therein call for non-factual, legal conclusions and
6 Defendant is therefore not required to answer the same.

7 113. Answering Paragraph 113 of the Plaintiff's Amended Complaint, Defendant
8 alleges that the allegations contained therein call for non-factual, legal conclusions and
9 Defendant is therefore not required to answer the same.

10 114. Answering Paragraphs 114 of Plaintiff's Amended Complaint, Defendant denies
11 the allegations contained therein.

12 115. Answering Paragraphs 115 of Plaintiff's Amended Complaint, Defendant denies
13 the allegations contained therein.

14 **SIXTEENTH CLAIM FOR RELIEF**

15 **(Monell claim against CLARK COUNTY with respect to the conduct of the District**
16 **Attorney and Child Protective Services)**

17 116. Answering Paragraph 116 of Plaintiff's Amended Complaint, Defendant repeats
18 and realleges his answers to the foregoing paragraphs as if fully set forth herein.

19 117. Answering Paragraph 117 of Plaintiff's Amended Complaint, Defendant alleges
20 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
21 without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained in said paragraphs and therefore denies the same.

23 118. Answering Paragraph 118 of Plaintiff's Amended Complaint, Defendant alleges
24 that the allegations contained therein are not plead against this Defendant. As such, Defendant is

1 without knowledge or information sufficient to form a belief as to the truth of the allegations
2 contained in said paragraphs and therefore denies the same.

3 119. Answering Paragraph 119 of Plaintiff's Amended Complaint, Defendant alleges
4 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
5 without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained in said paragraphs and therefore denies the same.

7 120. Answering Paragraph 120 of Plaintiff's Amended Complaint, Defendant alleges
8 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
9 without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained in said paragraphs and therefore denies the same.

11 121. Answering Paragraph 121 of Plaintiff's Amended Complaint, Defendant alleges
12 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
13 without knowledge or information sufficient to form a belief as to the truth of the allegations
14 contained in said paragraphs and therefore denies the same.

15 122. Answering Paragraph 122 of Plaintiff's Amended Complaint, Defendant alleges
16 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
17 without knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained in said paragraphs and therefore denies the same.

19 123. Answering Paragraph 123 of Plaintiff's Amended Complaint, Defendant alleges
20 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
21 without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained in said paragraphs and therefore denies the same.

23 124. Answering Paragraph 124 of Plaintiff's Amended Complaint, Defendant alleges
24 that the allegations contained therein are not plead against this Defendant. As such, Defendant is

1 without knowledge or information sufficient to form a belief as to the truth of the allegations
2 contained in said paragraphs and therefore denies the same.

3 125. Answering Paragraph 125 of Plaintiff's Amended Complaint, Defendant alleges
4 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
5 without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained in said paragraphs and therefore denies the same.

7 126. Answering Paragraph 126 of Plaintiff's Amended Complaint, Defendant alleges
8 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
9 without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained in said paragraphs and therefore denies the same.

11 127. Answering Paragraph 127 of Plaintiff's Amended Complaint, Defendant alleges
12 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
13 without knowledge or information sufficient to form a belief as to the truth of the allegations
14 contained in said paragraphs and therefore denies the same.

15 128. Answering Paragraph 128 of Plaintiff's Amended Complaint, Defendant alleges
16 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
17 without knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained in said paragraphs and therefore denies the same.

19 **SEVENTEENTH CLAIM FOR RELIEF**

20 **(State law abuse of process against FOX and KENYON)**

21 129. Answering Paragraph 129 of Plaintiff's Amended Complaint, Defendant repeats
22 and realleges his answers to the foregoing paragraphs as if fully set forth herein.

23 130. Answering Paragraphs 130 of Plaintiff's Amended Complaint, Defendant denies
24 the allegations contained therein.

1 131. Answering Paragraphs 131 of Plaintiff's Amended Complaint, Defendant denies
2 the allegations contained therein.

3 132. Answering Paragraph 132 of the Plaintiff's Amended Complaint, Defendant
4 alleges that the allegations contained therein call for non-factual, legal conclusions and
5 Defendant is therefore not required to answer the same.

6 133. Answering Paragraphs 133 of Plaintiff's Amended Complaint, Defendant denies
7 the allegations contained therein.

8 **EIGHTEENTH CLAIM FOR RELIEF**

9 **(42 USC 1983, abuse of process in violation of 14th Amendment rights)**

10 134. Answering Paragraph 134 of Plaintiff's Amended Complaint, Defendant repeats
11 and realleges his answers to the foregoing paragraphs as if fully set forth herein.

12 135. Answering Paragraphs 135 of Plaintiff's Amended Complaint, Defendant denies
13 the allegations contained therein.

14 136. Answering Paragraphs 136 of Plaintiff's Amended Complaint, Defendant denies
15 the allegations contained therein.

16 137. Answering Paragraphs 137 of Plaintiff's Amended Complaint, Defendant denies
17 the allegations contained therein.

18 138. Answering Paragraphs 138 of Plaintiff's Amended Complaint, Defendant denies
19 the allegations contained therein.

20 139. Answering Paragraphs 139 of Plaintiff's Amended Complaint, Defendant denies
21 the allegations contained therein.

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NINETEENTH CLAIM FOR RELIEF

(42 USC 1983, violation of 1st Amendment rights)

140. Answering Paragraph 140 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

141. Answering Paragraph 141 of the Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein call for non-factual, legal conclusions and Defendant is therefore not required to answer the same.

142. Answering Paragraphs 142 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

143. Answering Paragraphs 143 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

144. Answering Paragraphs 144 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

145. Answering Paragraphs 145 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

146. Answering Paragraphs 146 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

147. Answering Paragraphs 147 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

148. Answering Paragraphs 148 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

149. Answering Paragraphs 149 of Plaintiff's Amended Complaint, Defendant denies the allegations contained therein.

TWENTIETH CLAIM FOR RELIEF

(Against Defendant BRYANT, supervisory liability pursuant to 42 USC 1983 for violation of 1st, 4th and 14th Amendment rights)

150. Answering Paragraph 150 of Plaintiff's Amended Complaint, Defendant repeats and realleges his answers to the foregoing paragraphs as if fully set forth herein.

151. Answering Paragraph 151 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

152. Answering Paragraph 152 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

153. Answering Paragraph 153 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

154. Answering Paragraph 154 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraphs and therefore denies the same.

155. Answering Paragraph 155 of Plaintiff's Amended Complaint, Defendant alleges that the allegations contained therein are not plead against this Defendant. As such, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations

1 contained in said paragraphs and therefore denies the same.

2 156. Answering Paragraph 156 of Plaintiff's Amended Complaint, Defendant alleges
3 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
4 without knowledge or information sufficient to form a belief as to the truth of the allegations
5 contained in said paragraphs and therefore denies the same.

6 157. Answering Paragraph 157 of Plaintiff's Amended Complaint, Defendant alleges
7 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
8 without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained in said paragraphs and therefore denies the same.

10 158. Answering Paragraph 158 of Plaintiff's Amended Complaint, Defendant alleges
11 that the allegations contained therein are not plead against this Defendant. As such, Defendant is
12 without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained in said paragraphs and therefore denies the same.

14 **AFFIRMATIVE DEFENSES**

15 Further, as affirmative defenses to each and all of Plaintiff's alleged "causes of action,"
16 Defendant alleges:

17 1. Plaintiff's Amended Complaint on file herein fails to state a claim against
18 Defendant upon which relief can be granted.

19 2. Defendant's actions were reasonable and justified under the circumstances and
20 were privileged.

21 3. At all times mentioned in Plaintiff's Amended Complaint, Defendant acted under
22 the good faith belief that his actions were legally justifiable.

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1 4. The arrest, identification and imprisonment of Plaintiff, if any, was completely
2 justified and privileged under the circumstances alleged and was perfected pursuant to probable
3 cause or reasonable cause in believing the Plaintiff had committed a criminal act.

4 5. There can be no recovery for punitive damages against any government official
5 acting in his or her official capacity, pursuant to 42 USC § 1983.

6 6. No award of punitive damages can be awarded against Defendant under the facts
7 and circumstances alleged in Plaintiff's Amended Complaint.

8 7. At the time and place alleged in Plaintiff's Amended Complaint, and for a period
9 of time prior thereto, the Plaintiff did not exercise ordinary care, caution or prudence for the
10 protection of her own safety, and the injuries and damages complained of by Plaintiff in her
11 Amended Complaint, if any, were directly and proximately caused or contributed to by the fault,
12 failure to act, carelessness and negligence of Plaintiff.

13 8. At all times mentioned in Plaintiff's Amended Complaint, Defendant did not
14 personally participate in any of the Plaintiff's alleged violations of her constitutional rights.

15 9. To the extent Plaintiff's causes of actions against Defendant sound in negligence,
16 no recovery can be had predicated upon 42 USC § 1983.

17 10. Plaintiff's suit fails to state a claim for relief as she failed to allege a violation of a
18 right, privilege, or immunity secured by the United States Constitution or by the laws of the
19 United States.

20 11. Defendant did not enact or promulgate any policy, statute, ordinance or custom,
21 policy or procedure which denied or abridged any of the Plaintiff's constitutional rights.

22 12. Defendant is qualifiedly immune from the actions alleged against him in
23 Plaintiff's Amended Complaint.

24 ///

1 13. The Nevada Revised Statutes, Chapter 41, limits the damages that may be
2 collectable.

3 14. Defendant is not subject to suit upon the facts and conclusions as stated in
4 Plaintiff's Amended Complaint by reason of his immunity as a political subdivision of the State
5 of Nevada and more particularly by reason of the provisions of NRS 41.031, 41.032 and 41.033.

6 15. Plaintiff's Amended Complaint concerns a discretionary function of Defendant for
7 which Defendant is immune.

8 16. The Plaintiff's claims of a constitutional violation are unsupported in both fact and
9 law, as Plaintiff has not alleged sufficient basis from which a constitutional interest might arise
10 in conjunction with the alleged actions.

11 17. The acts by Defendant, as alleged by Plaintiff, were made pursuant to and
12 consistent with NRS 171.123.

13 18. Defendant alleges that the occurrence referred to in the Amended Complaint, and
14 all injuries and damages, if any, resulting therefrom, were caused by the acts or omissions of a
15 third party over whom Defendant had no control.

16 19. Plaintiff has failed to mitigate her damages, if any.

17 20. There is no causal connection between the alleged violations and the alleged
18 damages.

19 21. The action is barred by the statute of limitations.

20 22. Plaintiff's claim for intentional infliction of emotional distress fails because
21 Plaintiff did not suffer a physical impact or a serious emotional distress causing physical injury
22 or illness.

1 23. Defendant did not give unreasonable publicity to private facts and did not place
2 Plaintiff in a false light before the public because Defendant made no public disclosure of any
3 facts relating to the Plaintiff.

4 24. At all times relevant to this case, Defendant exercised due care in the execution of
5 statutes and regulations.

6 25. Defendant made no false statements about the Plaintiff to third parties.

7 26. The criminal case against the Plaintiff did not result in a termination which was
8 favorable to the Plaintiff.

9 27. Defendant did not act with ulterior purpose.

10 28. Defendant did not commit a willful act in the use of process not proper in the
11 regular course of any proceeding.

12 29. The Plaintiff was not denied due process.

13 30. Defendant did not abridge or deny the Plaintiff's freedom of speech.

14 31. Defendant did not act with reckless, callous or deliberate disregard to the
15 Plaintiff's protected rights.

16 32. Pursuant to FRCP 11, all possible affirmative defenses may not have been alleged
17 herein insofar as insufficient facts were available after reasonable inquiry upon the filing of
18 Plaintiff's Amended Complaint, and therefore, Defendant reserves the right to amend his Answer
19 to the Amended Complaint to allege additional affirmative defenses if subsequent investigation
20 so warrants.

21 WHEREFORE, Defendant prays for judgment as follows:

22 1. That Plaintiff take nothing by virtue of her Amended Complaint on file herein,
23 and that the same be dismissed with prejudice;
24

3. For such other and further relief that this Court may deem just and proper in the premises.

DATED this 10 day of January, 2014.

KAEMPFER CROWELL

BY:

LYSSA S. ANDERSON (Nevada Bar No. 5781)
8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
Attorneys for Defendant James Kenyon

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I electronically filed the foregoing
DEFENDANT JOHN KENYON'S ANSWER TO AMENDED COMPLAINT using the
court's CM/ECF system which will send notification to the following:

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Attorney for Defendant Clark County

DATED this 10th day of January, 2014.


an employee of Kaempfer Crowell